

Message Text

CONFIDENTIAL

PAGE 01 STATE 044627

55

ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 /026 R

DRAFTED BY EA/J:WCSHERMAN:BB

APPROVED BY EA/J:MR. SHERMAN

EA - MR. GLEYSTEN

L - MR. LEIGH

D - DUEMLING

S/S -O:LRMACFARLANE

----- 117961

O P 250110Z FEB 76

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO IMMEDIATE

INFO AMEMBASSY WELLINGTON PRIORITY

C O N F I D E N T I A L STATE 044627

EXDIS, WELLINGTON FOR HABIB ONLY

E.O. 11652: XGDS-3

TAGS: PINT, JA

SUBJECT: LOCKHEED AFFAIR

1. AMBASSADOR TOGO CALLED ON ACTING SECRETARY AFTERNOON FEB. 24 AND DELIVERED TRANSLATIONS OF MIKI'S LETTER TO PRESIDENT AS WELL AS COPY OF DIET RESOLUTIONS FOR TRANSMITTAL TO WHITE HOUSE. HE ASKED THAT DEPARTMENT UNDERTAKE TRANSMIT SEPERATE COPIES OF DIET RESOLUTIONS TO U.S. SENATE AS WELL.

2. ACTING SECRETARY AGREED TO TRANSFER DOCUMENTS, THEN ASKED LEGAL ADVISOR LEIGH TO BRIEF TOGO ON CURRENT STATUS OF DEPARTMENT'S CONVERSATIONS WITH US DEPARTMENT OF JUSTICE AND WITH SEC. LEIGH HANDED FOLLOWING INFORMAL MEMO TO TOGO AS BASIS FOR DISCUSSION. QUOTE

1. REQUESTS OF THE JAPANESE GOVERNMENT HAVE BEEN REFERRED
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 044627

TO THE S.E.C. AND TO THE CHURCH COMMITTEE.

2. THE S.E.C. INVESTIGATION INTO THE LOCKHEED MATTER IS STILL IN PROGRESS.

3. ORDINARILY, S.E.C. DOES NOT RELEASE MATERIAL RELATING TO AN INVESTIGATION UNTIL THE INVESTIGATION HAS BEEN COMPLETED AND ANY RESULTING ACTION COMMENCED.

4. HOWEVER, IF S.E.C. DISCOVERS EVIDENCE OF CRIMINAL ACTIVITY, IT IS ITS CONSISTENT PRACTICE TO REFER SUCH INFORMATION TO THE DEPARTMENT OF JUSTICE FOR WHATEVER LAW-ENFORCEMENT PROCEEDINGS MAY BE DEEMED APPROPRIATE BY THE DEPARTMENT OF JUSTICE.

5. THUS, CONSISTENT WITH ITS CUSTOMARY POLICY, THE S.E.C. COULD DECIDE TO REFER CERTAIN OF THE LOCKHEED MATERIALS TO THE DEPARTMENT OF JUSTICE FOR DETERMINATION AS TO APPROPRIATE MEANS OF COOPERATION WITH FOREIGN LAW-ENFORCEMENT AGENCIES.

6. THE DEPARTMENT OF JUSTICE, IN CONDUCTING INVESTIGATIONS INTO CRIMINAL CONDUCT, FOLLOWS THE PRACTICE OF KEEPING SUCH INVESTIGATIONS AND THE MATERIALS PERTAINING THERETO CONFIDENTIAL UNTIL THE DEPARTMENT HAS SECURED AN INDICTMENT AND FILED A COMPLAINT IN THE APPROPRIATE COURT.

7. NOTWITHSTANDING THIS TRADITIONAL PRACTICE, THE DEPARTMENT OF JUSTICE FOR GOOD CAUSE SHOWN HAS ON OCCASION ENTERED INTO ARRANGEMENTS WITH LAW-ENFORCEMENT AGENCIES OF A FOREIGN GOVERNMENT ON THE ASSURANCE THAT ANY INFORMATION FURNISHED WILL BE USED SOLEY FOR APPROPRIATE LAW-ENFORCEMENT PURPOSES AND THAT SUCH USE WILL BE COORDINATED WITH THE DEPARTMENT OF JUSTICE SO AS NOT TO PREJUDICE ONGOING DEPARTMENT OF JUSTICE INVESTIGATIONS.

8. THE U.S. GOVERNMENT IS WILLING TO EXPLORE WITH THE GOVERNMENT OF JAPAN A SPECIAL ARRANGEMENT CONSISTENT WITH THE ABOVE PRINCIPLES FOR AN EXCHANGE OF EVIDENCE IN CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 044627

THE LOCKHEED MATTER INsofar AS SUCH EVIDENCE MAY BE RELEVANT TO ANY INVESTIGATION BEING UNDERTAKEN BY JAPANESE LAW-ENFORCEMENT AGENCIES.

9. ACCORDINGLY, IT IS PROPOSED THAT REPRESENTATIVES OF THE JAPANESE GOVERNMENT AND STATE AND JUSTICE DEPARTMENT MEET URGENTLY TO DISCUSS APPROPRIATE MEANS OF COOPERATION.

10. ON THE AMERICAN SIDE, IT IS HOPED THAT THE JAPANESE REPRESENTATIVES WILL BE PREPARED TO DISCUSS IN SOME DETAIL THE MEASURES WHICH JAPANESE LAW-ENFORCEMENT OFFICIALS WOULD BE PREPARED TO TAKE TO ASSURE THAT THE CONFIDENTIALITY OF MATERIALS SUPPLIED BY THE U.S. GOVERNMENT IS RESPECTED AND IS NOT PREMATURELY DISCLOSED TO THE DETRIMENT OF ONGOING INVESTIGATIONS IN THE UNITED STATES OR TO THE PREJUDICE OF THE RIGHTS OF INDIVIDUALS WHETHER OR NOT SUCH INDIVIDUALS ULTIMATELY ARE NAMED AS DEFENDANTS IN CRIMINAL PROCEEDINGS.

11. IT SHOULD BE BORNE IN MIND THAT ANY ARRANGEMENT FOR COOPERATION BETWEEN THE DEPARTMENT OF JUSTICE AND JAPANESE LAW-ENFORCEMENT OFFICIALS MUST BE SUBMITTED TO ATTORNEY GENERAL LEVI FOR HIS PERSONAL APPROVAL BEFORE IT CAN BE FINALLY IMPLEMENTED. UNQUOTE

3. TOGO UNDERTOOK TO REFER QUESTIONS TO FOREIGN OFFICE AND GET AUTHORIZATION TO EMBARK ON TECHNICAL DISCUSSIONS AS EARLY AS POSSIBLE.

4. ACTING SECRETARY ASKED WHETHER GOJ INTENDED TO MAKE TEXT OF MIKI'S LETTER PUBLIC. TOGO REPLIED THAT DECISION WOULD BE MADE IN TOKYO BUT THAT IT WOULD CERTAINLY COME OUT. ACTING SECRETARY INDICATED WE WOULD PROBABLY WISH TO MAKE PRESIDENT'S REPLY PUBLIC. INGERSOLL

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DOCUMENTS, POLITICAL SITUATION, MULTINATIONAL CORPORATIONS, CENTRAL LEGISLATURE, RESOLUTIONS, DIPLOMATIC NOTES, US CONGRESSIONAL HEARINGS, INVESTIGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 FEB 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE044627
Document Source: CORE
Document Unique ID: 00
Drafter: WCSHERMAN:BB
Enclosure: n/a
Executive Order: X3
Errors: N/A
Film Number: D760069-0748
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760214/aaaaalpj.tel
Line Count: 141
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 27 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 MAY 2004 by SmithRJ>; APPROVED <24 SEP 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOCKHEED AFFAIR
TAGS: PINT, JA, US, LOCKHEED
To: TOKYO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006